

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**



Declaration  
Submitted  
With Initial  
Filing

OR



Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

First Named Inventor

ROBERT F. DE SYLVA

COMPLETE IF KNOWN

Application Number

Filing Date

01/22/04

Art Unit

3623

Examiner Name

Andre D. Boyce

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR FACILITATING INTERACTION BETWEEN  
PARTICIPANTS IN A TRANSACTION

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

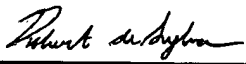
☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span> OR <input checked="" type="checkbox"/> Correspondence address below			
Name <div style="text-align: center;">ROBERT DE SYLVA</div>			
Address <div style="text-align: center;">161 Ocean Park Blvd. #D</div>			
City <div style="text-align: center;">Santa Monica</div>		State <div style="text-align: center;">CA</div>	ZIP <div style="text-align: center;">90405</div>
Country <div style="text-align: center;">USA</div>	Telephone <div style="text-align: center;">310-452-4679</div>	Fax	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <div style="text-align: center;">ROBERT FRANCIS DESYLVA</div>		Family Name or Surname <div style="text-align: center;">DE SYLVA</div>	
Inventor's Signature <div style="text-align: center;"></div>			Date <div style="text-align: center;">1-22-04</div>
Residence: City <div style="text-align: center;">SANTA MONICA</div>	State <div style="text-align: center;">CA</div>	Country <div style="text-align: center;">USA</div>	Citizenship <div style="text-align: center;">USA</div>
Mailing Address <div style="text-align: center;">Same as above.</div>			
City	State	ZIP	Country
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

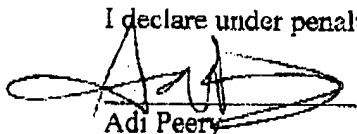
Exh. b. + (A)

### ***Declaration***

I, Adi Peery, residing at 9377 Charleville Blvd. in Beverly Hills, California, declare that in or around October of 1999, Trek Kelly disclosed to me ideas regarding an internet website that would enable messengers and related delivery systems to get goods from retail outlets to consumers. Mr. Kelly specifically described the idea in terms of a computer system that was accessible by delivery agents and customers through the internet. The system described was designed to also enable consumers to track the status of their orders via this internet site.

It was also made clear to me that the proposed system would be able to select the best delivery agents to fulfill a customer's order based upon the address that was inputted into the system. Based upon their own address, the consumer could also search around for the optimal retail outlet or messenger to achieve their goal and/or obtain the products they desire more efficiently. I witnessed Trek Kelly working on a business plan that outlines these ideas.

I declare under penalty of perjury that the foregoing is true and correct.



Adi Peery

12/22/03  
Date

Exhibit 6

December 10, 2000

Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

Dear Sir or Madam,

Throughout the later half of 1999, I had various conversations with Trek Kelly and Robert de Sylva regarding the development of an innovative delivery system and method. These discussions were in account to realizing the validity of moving forward with this product in the marketplace. After it was determined from a macro viewpoint to move ahead, my company, Limelight Advertising, Inc., was hired in the Spring of 2000 to create an in-depth marketing plan and research platform from which to base product and software development of this concept.

It was clear that their system involved software running on a server to enable customers the ability to arrange delivery of a product through a computer interface hosted online. The customer could negotiate costs as well as view information about the status of their delivery. The size of the delivery could be big or small and the courier would be chosen from pool of delivery agents to match the product size and other distinct delivery parameters. For example, the system used geographic information, including customer and courier addresses and inventory information of outlets, to help select couriers that could most efficiently deliver a product to a customer from a cost, time, and location standpoint. The status information was clearly forwarded from independent couriers or messengers who were awarded the job to the consumer who ordered the product.

Participation from couriers did not entail the need to have their own web sites to participate in the system. This delivery system allowed couriers to capitalize on the power of the delivery software without incurring high origination development fees of such a robust delivery method. The method described by Trek Kelly and Robert de Sylva leveled the playing field between big and small delivery agents by providing a complete delivery interface for consumers and delivery agents to communicate and compete.

I, T. Shiloh Kelly, certify the above is true and accurate to the best of my knowledge.

Sincerely,



T. Shiloh Kelly

12/22/03

November 25, 2003

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

I, David Rubenstein, residing at 3005 Main Street, #519, Santa Monica, CA, was Trek Kelly's business partner from May, 1996 through June, 2003.

In late 1999 Trek Kelly and Robert de Sylva came to me with an idea for a corporation named "Run Badger."

"Run Badger" was to link retail stores to consumers via messenger services for same day delivery of products and services. The company was to be internet based, and the software was to be created by "Run Badger" and supplied to the three components of the purchasing chain (consumer, messenger service, and retailer).

With input of address information of the three components, "Run Badger's" aim was to run its software on a server that allowed consumers to view available retail inventory as well as the status of their delivery by the most efficient messenger service within the particular geographic region of the transaction.

In addition, possible side benefits of the corporation were discussed. Using GPS technology, the mobile customer could order goods and services not just from the home, but from any location. The idea was to adapt the software to the technology of the cellphone/ PDA market to increase the flexibility of the purchasing/ delivery process.

I, David Rubenstein, certify that the above is true and correct to the best of my knowledge.

Sincerely,



David M. Rubenstein